

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 3, 2000**

DIVISION ONE

B132258     Takaki  
                 v.  
                 Hawthorne Savings, F.S.B.

Filed order denying petition for rehearing.

DIVISION TWO

108493-00

The HONORABLE ROBERT M. MALLANO, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Two, as a Justice thereof, on the following dates:

May 1, 2000 to July 31, 2000

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: May 1, 2000

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

May 3, 2000-Continued

## DIVISION TWO (Continued)

B133972      T.J. Waters      (Certified for Publication)  
v.  
Workers Compensation Appeals Board

The decision of the WCAB is reversed and the decision of the WCJ imposing a 10 percent penalty on PD benefits is reinstated.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

B133844 People (Not for Publication)  
v.  
Pambukyan

The judgment is affirmed.

Cooper, J.

We concur: Nott, Acting P.J.  
Mallano, J. (Assigned)

B130047 People (Not for Publication)  
v.  
Cerna

The judgment is reversed.

Cooper, J.

We concur: Boren, P.J.  
Mallano, J. (Assigned)

## DIVISION TWO (Continued)

[illegible]

The judgment of conviction on count 1 and the finding that appellant personally inflicted great bodily injury in violation of Penal Code section 12022.7, subdivision (a), are affirmed. The judgment of conviction on counts 3 and 4 and the finding that appellant has a prior juvenile adjudication of a serious or violent felony within the meaning of the three strikes law (Pen. Code, 667, subds. (b)-(i), 1170.12) are reversed. The judgment sentencing appellant to a total prison term of 11 years is reversed, and the matter is remanded for further proceedings consistent with this opinion.

Cooper, J.

We concur: Boren, P.J.  
Mallano, J. (Assigned)

B128642 People (Not for Publication)  
v.  
Kolt

The orders under review are affirmed.

Cooper, J.

We concur: Boren, P.J.  
Mallano, J. (Assigned)

B128116 People (Not for Publication)  
v.  
Burgos

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.  
Mallano, J. (Assigned)

## DIVISION TWO (Continued)

B128060      People      (Not for Publication)  
v.  
Wizar

The judgment is affirmed and the abstract of judgment is to be corrected to reflect the \$1,000 parole revocation fine pursuant to Penal Code section 1202.45 and the \$100 laboratory analysis fee pursuant to Health and Safety Code section 11372.5 which were imposed by the trial court.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION THREE

B125741      Stacy Cornette et al.      (Certified for Publication)  
v.  
Department of Transportation

The judgment is reversed and the matter is remanded for a new trial in accordance with the views expressed herein. The plaintiffs shall recover their costs on appeal.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

May 3, 2000-Continued

DIVISION FOUR

B125554      People      (Not for Publication)  
v.  
Flores et al.

The judgments are affirmed.

Vogel (C.S.), P.J.

We concur:   Hastings, J.  
                    Berle, J. (Assigned)

B131012 People (Not for Publication)  
v.  
Le Melle

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B112240 People (Not for Publication)  
v.  
Miller

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

DIVISION FOUR (Continued)

B136182      In re Mercado on Habeas Corpus      (Not for Publication)

The order to show cause, having served its purpose, is discharged. The petition for a writ of habeas corpus is denied.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                     Hastings, J.

B123197      Suckow      (Not for Publication)  
                     v.  
                     Republic Western Insurance Co.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                     Curry, J.

B133156      99 Cents Only Stores      (Certified for Publication)  
                     v.  
                     Workers Compensation Appeals Board  
                     Arriaga, Respondent

The decision of the WCAB is annulled and the matter is remanded for further proceedings consistent with this opinion.

Vogel (C.S.), P.J.

We concur:   Epstein, J.  
                     Hastings, J.

## DIVISION SEVEN

B121062 People (Not for Publication)  
v.  
Brown

The judgment is affirmed.

Johnson, J.

We concur:   Lillie, P.J.  
                      Neal, J.

B135779 Merco Construction Engineers, Inc. (Not for Publication)  
v.  
City of Santa Monica  
Pacific Mechanical Corporation

The judgment is affirmed. City is awarded its costs on appeal.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

B132888 People (Not for Publication)  
v.  
Washington

The judgment is affirmed.

Woods, J.

We concur:   Johnson, Acting P.J.  
                      Neal, J.

May 3, 2000-Continued

DIVISION SEVEN (Continued)

B137836

## People

V.

Robert D.

(Not for Publication)

The judgment is affirmed.

Neal, J.

We concur:   Johnson, Acting P.J.

Woods, J.